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6

7 UNITED STATES BANKRUPTCY COURT  
8 DISTRICT OF NEVADA  
9

10 In re:

11 Joanne W. Eng,  
12 Chapter 13 Debtor.  
13  
14  
15  
16  
17

Case No.: BK-S-19-12981-MKN

Chapter 13

**STIPULATION TO WITHDRAW  
JOANNE W. ENG'S MOTION TO  
DETERMINE CONTEMPT OF COURT  
PURSUANT TO 11 U.S.C. SECTIONS  
105 AND 362 AND REQUEST FOR  
PUNITIVE DAMAGES, ATTORNEY'S  
FEES (ECF No. 54) WITH PREJUDICE**

18 Comes now, Joanne W. Eng, by and through her attorney, Jeffrey A. Cogan,  
19 Esq. of Jeffrey A. Cogan Chartered, a PLLC and hereby Stipulates and Agrees with  
20 respondent Legal Recovery, LLC by and through its attorney, Michael R. Brooks of  
21 Hutchinson & Steffan as follows:

22 **IT IS HEREBY STIPULATED AND AGREED TO** that on February 5, 2016,  
23 Legal Recovery, LLC filed a second amended verified complaint for damages, in the  
24 Superior Court of California, County of San Francisco, case number CGC 15-548357,  
25 naming Joanne Eng as a defendant.

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1           **IT IS FURTHER STIPULATED AND AGREED TO** Joanne W. Eng filed a  
2 voluntary Chapter 13 Petition. (ECF No. 1).<sup>1</sup>

3           **IT IS FURTHER STIPULATED AND AGREED TO** that November 8, 2019,  
4 Legal Recovery, LLC filed its motion for relief from the automatic stay to continue  
5 the San Francisco Superior Case *supra*. (ECF No. 36). Legal Recovery, LLC  
6 represented that the “Debtor’s insurance carrier has an opportunity to settle this  
7 matter . . . [t]hus Legal Recovery, LLC’s right and ability to recover through the  
8 Debtor’s insurance policy constitutes cause under 11 U.S.C. § 362(d)(1). *Id.*, 6:12-16.

9           **IT IS FURTHER STIPULATED AND AGREED TO** that on December 11,  
10 2019, the relief from stay motion was granted and the relief was limited to allowing  
11 Legal Recovery, LLC to pursue any insurance coverage that may be applicable.  
12 Legal Recovery, LLC’s counsel was directed to submit a proposed order consistent  
13 with the court’s oral ruling. Order on Motion to Determine Contempt of Court  
14 Pursuant to 11 U.S.C. Sections 105 and 362 and Request for Punitive Damages at  
15 4:3-6. (ECF No. 70).

16           **IT IS FURTHER STIPULATED AND AGREED TO** that on January 20, 2020,  
17 the relief from stay order was entered. (ECF No. 45).

18           **IT IS FURTHER STIPULATED AND AGREED TO** that on December 10,  
19 2021, Joanne Eng filed a Motion to Determine Contempt of Court Pursuant to 11  
20 U.S.C. Sections 105 and 362 and Request for Punitive Damages at 4:3-6. (ECF No.  
21 54).

22           **IT IS FURTHER STIPULATED AND AGREED TO** that the hearing on the  
23 Contempt Motion was continued to February 23, 2022 for status. (ECF No. 63).

24           **IT IS FURTHER STIPULATED AND AGREED TO** that after counsel for  
25 Legal Recovery, LLC having failed to submit a proposed order accurately reflecting

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27 <sup>1</sup> All references to “ECF No.” are to the number assigned to the documents filed in the  
28 above-captioned Chapter 13 proceeding as they appear on the docket maintained by the clerk of  
the court.

1 the court's oral ruling on the relief from stay motion, on February 10, 2022, the court  
2 entered an amended order: (1) vacating the prior relief from stay order, (2) and  
3 entering an order reflecting the court's oral ruling. (ECF No. 64).

4 **IT IS FURTHER STIPULATED AND AGREED TO** that Joanne W. Eng's  
5 Chapter 13 Discharge was entered on July 24, 2024. (ECF No. 113).

6 **IT IS FURTHER STIPULATED AND AGREED TO** that Joanne W. Eng's  
7 Chapter 13 Discharge gave rise to a permanent injunction pursuant 11 U.S.C. §  
8 524(a)(1) voids the judgment entered in the Superior Court of California, County of  
9 San Francisco, case number CGC 15-548357 and under 11 U.S.C. § 524(a)(2)  
10 operates as an injunction to any collection activity against Joanne Eng by Legal  
11 Recovery, LLC.

12 **IT IS FURTHER STIPULATED AND AGREED TO** that Legal Recovery, LLC  
13 filed Complaint in the Superior Court of California, County of San Francisco, on  
14 November 22, 2022 as case number CGC-22-603067 will be dismissed as against  
15 Joanne Eng, only, with prejudice.

16 **IT IS FURTHER STIPULATED AND AGREED TO** the status check on the  
17 motion for contempt has been continue many times and is currently set for February  
18 5, 2025 at 2:30 p.m.

19 **IT IS FURTHER STIPULATED AND AGREED TO** that the parties have  
20 come to an agreement which requires a dismissal with prejudice as to Joanne W.  
21 Eng of the Superior Court of California, County of San Francisco, case number CGC  
22 15-548357 in exchange for a withdrawal of the Motion to Determine Contempt of  
23 Court Pursuant to 11 U.S.C. Sections 105 and 362 and Request for Punitive  
24 Damages with prejudice by Joanne W. Eng.

25 **IT IS FURTHER STIPULATED AND AGREED TO** that by this Stipulation,

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1 the parties request any further hearings on this matter be vacated.

2 STIPULATED AND AGREED TO on the 13<sup>th</sup> day of December, 2024.

3 JEFFREY A. COGAN CHARTERED  
4 a PLLC

HUTCHISON & STEFFAN, PLLC

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